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HONOLULU, HAWAII TERRITORY, FRIDAY, MAY 3, 1912—SEMI WEEKLY.

WHOLE NO. 3705

DEATH TO "FAKE" HOMESTEADING SUPREME COURT DECIDES CASE

Throws Out the Claim
Filed by A. R.
Henderson.
An Actual Residence Is
Necessary, Says
Tribunal.

"Fake" and "dummy" homesteaders received a finishing blow yesterday when the supreme court handed down a decision in the celebrated and hard-fought test suit affecting the claim of Alfred R. Henderson to certain public land in the Kaiwili III tract at Hala-lan, Hawaii, upon which he claimed to have complied with all homestead provisions. The supreme court, in declaring against Henderson, interpreted the homestead law along strictly commonsense lines, declaring that residence upon a homestead means actual residence, that cultivation means actual cultivation by the homesteader and not the tilling of the land by a corporation as an integral part of any plantation, that subterfuges as to planting agreements can no more be resorted to with safety and that homesteading must be bona fide.
The decision of the highest court of the Territory declares that the homestead law of the Territory means what it is intended to mean; that its provisions are not to be technically twisted and interpretations placed upon it whereby the plain intent of the law may be evaded.
From now on it is to be understood that homesteading in Hawaii means just what it should, the actual establishment of "homes" throughout the Islands.

Reversing Circuit Judge Parsons of Hilo on every important point, in the Kaiwili III homestead case, the supreme court yesterday afternoon gave a decision that sustains the Frear administration in practically all of the contentions made with regard to the enforcement of the land laws, and lays down rules of guidance which will prove of vast importance in the future to all who contemplate settlement upon public lands. The Henderson case was of interest as the most important homesteading test case since annexation, and also because it was used in the Kaho-lua charges against Governor Frear. The attitude of the administration in refusing to give titles to Henderson and others was cited as showing opposition by Frear to homesteaders. The court now finds that Henderson failed to comply with the homesteading regulations all along the line. In the course of the decision, rules are laid down which mean that anyone trying to homestead public lands in the Territory of Hawaii must really make his home on the land he seeks, and must do his own cultivating. A sublease to a plantation is held to be a violation of the law.

Hard-Fought Case.
The Henderson case was fought at great length in the court in Hilo, Deputy Attorney-General Arthur G. Smith appearing for the Territory, and Harry Irwin for Henderson. Henderson took up a section of the Kaiwili

land, as did a number of others, in 1907, and proceeded to make contracts with Hala-lan plantation whereby the plantation was to pay him five dollars an acre a year for his crop. It was shown during the hearing of the case that he didn't make a real home on the place, and seldom occupied the small cottage erected thereon for him by the plantation. The administration took the position that he, as well as about forty others who took similar action, had not complied with the terms of the homestead laws, and were not entitled to titles to their various plots. Judge Parsons held that the law as to homesteading had been substantially complied with.

The only part of his decision in favor of the homesteader with which the supreme court concurs is that relating to the duty of tree planting. The higher court agrees that the homesteader had a right to count trees naturally growing upon the land, as a part of the number of trees which the law required him to maintain.

Must Be Real Home.
But when it comes to the residence Continued on Page eight.

CONTEST COOPER'S CLAIM TO PALMYRA

NEW CLAIMANTS FILE PAPERS
AS FIRST STEP IN LEGAL
PROCEEDINGS.

Judge Henry E. Cooper is not to control the Island of Palmyra, as his personal property, without a contest. New claimants have appeared in the field, claiming ownership, and filed a claim for possession in the registry and conveyances department of the Territory. Henry Maui and Joseph Kauhooa Clarke, for the sum of one dollar paid to Annie Ringer, the descendant of Johnson Beswick Wilkinson, an alleged "original" owner, now claim the possession of the island, and will seek to prove title by the introduction of a copy of a will of Wilkinson, supposed to have been probated before Judge Joseph S. Moore of the New Zealand supreme court in 1866.

Annie Ringer, whose husband was William Ringer, a former well known politician, claims descent through Kalam, the wife of Johnson Wilkinson, Kalam being his first wife.
She states that Judge Cooper holds Palmyra through purchase from their heirs of H. Kahawiniui, the second husband of the same Kalam. The late Judge W. L. Wilcox secured possession of the rights of the Kahawiniui through W. L. Wilcox and Elsie Wundenberg, the latter passing the deed to Judge Cooper.

The document filed appears to be a part of a "fishing expedition" on the part of Maui and Clarke, the latter having been a friend of long standing of William Ringer. The document as filed April 30, 1912, reads:

"Know all men by these presents, that I, Annie Ringer, a widow, the said wife of William Ringer, deceased, of the City and County of Honolulu, Island of Oahu, Territory of Hawaii, in consideration of \$1 to me paid by Henry Maui and Joseph Kauhooa Clarke of said Honolulu, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said Henry Maui and Joseph K. Clarke, all of my right, title and interests, in and to the Island of Palmyra, situate in the Pacific Ocean in longitude 161° 53' west, and latitude 9° 4' north or thereabouts, the said Island of Palmyra being the same premises that were devised to the said Kalam, by the said Johnson Beswick Wilkinson, by his last will, which was admitted to probate before Joseph S. Moore, judge of the supreme court of New Zealand on the 29th day of June, A. D. 1866. Therefore, I have the right to sell and convey my right and interests in the said Island of Palmyra, which I inherit from William Ringer, my deceased husband, William Ringer being the only son of Rebekah Ringer, deceased, the daughter of Nanaikawaha (w.), the younger sister of Kalam (w.), mentioned in the will of Johnson Beswick Wilkinson, being the first husband of said Kalam (w.).

"And furthermore, being that certain portion of the said premises which were sold to W. L. Wilcox by H. Kahawiniui, the second husband of Kalam, and J. Kalam, the brother of Kalam, by their deed dated June 13, A. D. 1885, recorded in liber 97, page 66; and being the same premises owned by W. L. Wilcox, held by Henry E. Cooper by deed of Elsie Wundenberg and recorded in liber 248, page 222.

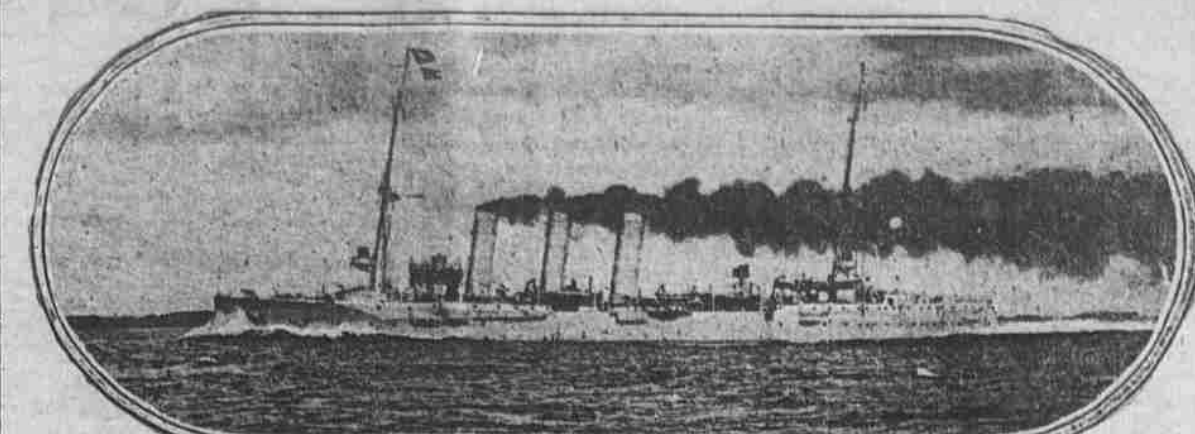
"To have and to hold the aforegranted premises, with all easements, privileges, improvements and appurtenances to the same belonging to the said Henry Maui and Joseph K. Clarke, their heirs and assigns to each and their own use and behoof forever.

"In witness whereof I have hereunto set my hand and seal on this 30th day of April, A. D. 1912.

(Signed) MRS. ANNIE RINGER.

Witnessed:
"P. E. R. STRAUCH."

PRINCE HENRY OF REUSS IS TO VISIT AMERICA ON BOARD GERMAN WARSHIP



BERLIN, Germany, May 2.—The fleet of warships ordered to visit America will begin their voyage May 11. The admiralty has finally determined on the composition of the division of the German fleet that is to return to the United States Atlantic fleet to Kiel last summer. It will include the armored cruiser Moltke, under the command of Captain Ritter von Mann; the command of Captain Ritter von Mann; the command of Captain Ritter von Mann; the command of Captain Ritter von Mann.

Stettin, Captain von Krosigk, and the protected cruiser Bremen, Captain Seebohm. The rear-admiral who is to be in command of the division has not yet been selected.
The warships will probably return to Germany next month in time to join the rest of the fleet for the Kiel yachting week.
The officers of the designated cruisers include Lieutenant Prince Henry of Reuss, who is on board the Moltke, and Lieutenant Prince Christian of Hessen-Philippsthal-Barchfeld, who will be on board the Stettin, but Prince Adalbert of Prussia, the son of the emperor, will not go to America.

Prince Henry XXXVII. of Reuss, who is to visit America with the German squadron, is the son of the late Prince Henry XVIII., who died in the course of a railroad journey from Schweinfurt to Würzburg August 15. Prince Henry XXXVII. was born at Ludwigs-lust, in November, 1888. He is a lieutenant in the German navy.

DISCOVER MILLIONS IN SOIL UNLIMITED SUPPLY OF POTASH

Federal Agricultural Station Makes Find Worth
Untold Gold to Hawaii—Experiments
Complete.

An available supply of potash, which for many years has been an essential ingredient of fertilizers in Hawaii and has been imported at no little expense from Germany, has been discovered in inexhaustible quantities in Hawaii by the federal government's agricultural station. According to Dr. E. V. Wilcox the stuff has been found in the form which will supply the essential chemical ingredients to the soil, will also furnish other plant foods, and improve the general character of heavy lands. The ordinary black volcanic sand or lava cinder which can be found in quantities running up to millions of tons near any extinct crater in the Islands is the source of potash upon which the chemists of the experiment station have been working. Strangely enough ordinary lava which flows out of a crater contains about one-half of one per cent. of potash while this sand yields from two to seven per cent. The one feature of it which at first appears objectionable is that it is not in an immediately soluble form but disintegrates slowly, feeding the soil for several years. On the other hand, as Doctor Wilcox points out, the sand itself serves to loosen up heavy soils and the potash which it contains will not wash out in one season's rains but will continue to be available and will furnish the soil with the necessary element.

Millions in Sight.
On Punchbowl, under the city of Honolulu, on Tantalus, on Haleakala and near every live or extinct volcano on



E. V. WILCOX,
Head of the federal agricultural station, who has found unlimited quantities of potash in Hawaii.

The Islands are millions of tons of this black sand, blown from the bowels of the earth as lava cinders ages ago. At the present commercial value of potash Doctor Wilcox estimates that every ton of this inexhaustible supply is (Continued on Page 8.)

MANOA SUFFERING A WATER SHORTAGE

With the water taps in the Manoa Valley almost dry, the department of public works, to use ungraceful language, is humping itself to remedy a serious condition in this important suburb. The immediate installation of a pump at the lower Makiki reservoir, connecting with a force main into the valley is what the department now plans, to be followed by the construction of a reservoir at the top of Rocky Hill back of Oahu College, a former reservoir site.

This last procedure, although to be commenced at once, the government and the trustees of the college having come to an agreement, will take a year to complete and meanwhile Manoa residents are unable to get water for the greater part of the day.

The valley has built up so wonderfully with such expensive lawns and so suddenly demanded a large water supply that the ill-prepared department was unable to keep pace. In the lack of appropriation to build a comprehensive water system, it was compelled to put in an emergency service of odd sizes of pipe and other bad features which has now reached the limit of its capacity.

FRESH FIGHTING NEAR MEXICO CITY

MEXICO CITY, May 2.—According to dispatches received here from the public of Chasutli, five hundred federalists have been attacked by 2500 armed bandits under Zapata's leaders. At the last reports the town of Chasutli had been taken by the federalists who had lost it earlier in the battle.

WIDOW OF ASTOR'S VALET SUES THE WHITE STAR LINE

NEW YORK, May 3.—The first of the scores of damage suits which are expected to result from the sinking of the Titanic was filed here yesterday afternoon, when Mrs. Victor Robbins, widow of John Jacob Astor's valet who was drowned with his master, filed her petition against the White Star line for fifty thousand dollars. Mrs. Robbins alleges in her petition that her husband met his death largely through the negligence of the officers of the ship and officials of the line. The suit is filed in the federal courts.

TITANIC FUND HUGE.

LONDON, May 3.—It was announced here last night that the fund which is being raised over the entire world for the relief of the victims of the Titanic and their dependent relatives has now reached the sum of more than a million dollars, and is still growing by leaps and bounds.

Lord Mersey, wreck commissioner of Great Britain, began the official investigation into the causes and details of the wreck of the great steamer yesterday morning. Officials of the White Star line as well as government inspectors and officials are being interrogated.

DEMAND MORE BOATS.

WASHINGTON, May 2.—The house committee on merchant marine has sanctioned the bill introduced by Chairman J. W. Alexander of Missouri to equip all American vessels with lifeboats enough to save for all people on board, both passengers and crew, in case of disaster.

HIGH PRICE OF POI USURPS WRONGS OF WOMEN AT MEETING

SUFFRAGE AND FREAR'S SHORT-
COMINGS DISCUSSED BY
CITY MOTHERS.

Woman's suffrage on Oahu was given a second oratorical spur yesterday afternoon when the pioneers of last week met again in the Hirano gardens and discussed upon the high price of poi and the outrages of the Republican administration for two hours. Of course the Hawaiian women are running this thing, and it is as non-partisan as it can be, but Link was there yesterday seated on the left hand of him who opened with prayer, and behind the dazzling wall of white holokus was a compact squad of the McCandless old guard, who stepped forth singly from time to time to discourse on the poi question and the merits of the popular Democratic candidate. However, they were the supermajorities, the less deadly males of the species, and this was a woman's meeting.

Mrs. Kalakiele were a stunning buff dress topped by a very nifty black hat trimmed with a feather or so and other things not clearly recollected, but certainly most fetching. Mrs. Kikaha, former stump speaker for the Republicans, whose politics were changed when the mosquito campaigners walked over her flower bed, wore her Psyche holoku and a sailor hat trimmed with cherries rampant. Mrs. Kehohu appeared in an ample holoku of the latest design and her Mexican charro hat with its five coils of gold eordons rising above the amplitude of her flowing gown, was the sensation of the afternoon. Mrs. Keawehaku, who was the center of envious eyes, was crowned by a sweeping black hat that tilted up on the left at something like forty-five degrees and was trimmed with a glossy array of selected tail feathers.

Mrs. Kalakiele got rid of her job as temporary chairman of the organization yesterday afternoon as quickly as possible and Mrs. Sarah Sherman was elected in her place. Other officers elected were Mrs. Kaleikau, vice president; Mrs. R. W. Sharp, secretary; Mrs. S. Monahan, assistant secretary; Mrs. Charles Frasher, treasurer.

This business having been disposed of with as much expedition as possible the company settled back to enjoy the forensic fireworks of which Candidate McCandless had laid in a good stock. Of course there was not a great deal said about suffrage but the candidate, Mayor Fern, George Kane, Jesse Elihi and William Kaul told about the outrageous rise in poi and the wrongs which those assembled had suffered under the present administration and would suffer under any in which L. L. McCandless was not concerned with tremendous effect. Mrs. Kikaha took a shot at the mosquito men who had walked on her flowers. Mrs. Kehohu spoke briefly and Mrs. Haanui Ku, Mrs. G. Keawehaku and Mrs. Charles Frasher also spoke.

There was one pained and grievously disappointed man in that semicircle of trampled talent behind the suffragettes and that was Soapbox Barron who was not even called upon to speak. It is hard enough to be excluded from a Kulu luncheon but to be ignored at one of Link's own personally conducted side shows was more than Barron could bear, and his usually radiant countenance was shadowed in gloom. Altogether it was a great success—that meeting. Nearly everybody had a chance to talk and those who didn't were elected officers so when it was all over the ladies got out their Durban, gathered in circles and blew rings with evident satisfaction.

UNCLE SAM SUES FOR SUGAR FRAUD.

NEW YORK, May 2.—Suit has been brought by Attorney General Wickham against the Federal Sugar Refining Company for \$100,000 because of frauds in underweighing imports.

FURIOUS RIVER SNEERS AT BONDS

All Hope of Patching
Levees Has Been
Lost.

BREACHES GIGANTIC

One Hundred Thousand
Homeless—Losses
Staggering.

NEW ORLEANS, Louisiana, May 3.—One hundred and fifteen thousand people are homeless, property losses run into the tens of millions and still the furious Mississippi continues to rise. This city is like a huge camp, from Carrollton to Chalmette there are thousands of destitute, homeless wanderers driven for refuge into town, and hundreds more come in with every train that manages to get through the vast areas of flooded lands that surround the city.

The Carrollton district is under water. Breaks in the levees just above are reported to be more than eight hundred feet wide and steadily increasing in size. There is a twelve mile current pouring through the gap, sweeping aside all attempts to stem or control it. Audubon Park and the sugar station are threatened, as are the buildings of the Tulane College. If the river continues rising the business district will also be inundated.

There is no possible way of telling how much of the richest lands of the State is under water. Yesterday afternoon the levees surrounding the State convict camp at Angola broke under the enormous pressure and flooded more than five thousand acres in less than an hour. The prisoners and guards managed to escape, but the camp is reported a total loss.

Bayou des Allemandes is out of its banks and the surrounding territory is inundated. The people of Harville have been forced to flee, and the entire western and southern portion of St. John the Baptist parish is under water. This includes some of the finest sugar land in the State and the loss there will be tremendous.

Ascension parish is also flooded for the most part and many of the smaller towns have had to be abandoned until the floods subside. Therville parish is in much the same plight. Up the river as far as Baton Rouge and the heads come reports of vain fighting against the breaking, crumbling levees. In many places thousands upon thousands of bags of sand have been thrown into breaks only to be whirled out of the way by the irresistible current. Baton Rouge reports that it is full of refugees many of whom are completely destitute, and not a few in danger of starvation.

JAPANESE COOK KILLED A CAPTAIN

SAN FRANCISCO, May 3.—Tom Okubu, a Japanese cook of the American schooner Americana, was yesterday found guilty of having killed the captain of the vessel, Carl A. Benson, in a fight January 27. The story told by the cook was introduced in evidence against him. It was in the form of a statement made to the second mate, Frank Robinson, and was largely instrumental in securing a lesser verdict than that of murder with which Okubu had been charged.

According to Okubu's story, two days before the killing Captain Benson had attacked him, taken away two cans of soup he had been preparing for the crew's dinner, and accused him of having stolen 100 pounds of sugar. This the cook denied, and the captain, he says, struck him in the face and called him a "yellow dog and a thief," and threatened to "smash him." The following day there was a dispute over some fish the cook had prepared for the cabin table, and on the day of the shooting the captain went into his galley, tasted some of the water in the water barrel and accused the cook of having poisoned it, at the same time calling him vile names. Okubu stated that he did not get until Benson struck him full in the face. "Then I got my gun and kill him."

TUG BOAT BLOWN UP BY TURKISH MINES.

CONSTANTINOPLE, Turkey, May 3.—Four officers and twelve soldiers were killed by the sinking of a tugboat which fouled a floating mine in the Dardanelles Strait.

BULLETIN EDITOR IS FORTY-ONE TODAY



WALLACE B. FARRINGTON,
Born in Orono, Maine, May 3, 1871.